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Held at the Palais des Nations, Geneva,
on Wednesday, 20 March 1996, at 10 a.m.

Chairman: Mr. VERGNE SABOIA (Brazil)

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The meeting was called to order at 10.15 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (item 4 of the provisional agenda) (continued) (E/CN.4/1996/18-21, 108 and 120)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (item 7 of the provisional agenda) (E/CN.4/1996/26 and 27)

1. Mr. ZAHRAN (Egypt) said that important progress had been made in the Middle East peace process - in which his Government had actively participated - since the signing of the Declaration of Principles on Interim Self-government Arrangements in 1993 and, in that connection, he welcomed the first meeting of the Palestinian Council in March 1996. It was to be hoped that the ongoing negotiations between Syria and Israel and between Lebanon and Israel would result in fair settlements, which would help achieve a just and lasting peace in the region and liberate resources for development and social and economic progress.

2. The recent acts of violence and terror in the Middle East were a matter of serious concern, not least because they threatened the peace process. The recently held international summit conference on terrorism had established three basic guidelines: (a) complete support must be given to efforts to find a global solution to the disputes in the Middle East; (b) the security of all the populations in the region must be guaranteed without discrimination; and (c) the problem of terrorism must be resolved through cooperation and intensification of bilateral, regional and international efforts.

3. His Government wished to reaffirm its unequivocal condemnation of terrorism, regardless of its source. It also rejected measures of collective punishment or oppression of innocent victims, which constituted a violation of human rights and fundamental freedoms. It hoped that further progress would be reflected in full respect for human rights in the occupied territories and the end to all human rights violations in those areas and that bridges of trust and understanding could be built among the peoples of the region.

4. He commended the work of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 and encouraged him to continue his efforts until such time as the occupation of those territories came to an end and the Palestinians were granted full enjoyment of their rights, in compliance with the relevant resolutions of the Security Council and other United Nations bodies.

5. Mr. QAZI (Pakistan) said that the establishment of the Palestinian Authority and the recent holding of free and fair elections were encouraging developments. Nevertheless, the process had to be carried to its logical conclusion: the granting of full rights to the Palestinian people, including the right to self-determination. Until that time, the peace process must be continued in a framework of respect for the human rights of all the peoples of the Middle East, first and foremost those who had been the tragic victims of occupation and subjugation.

6. The recent resurgence of violence in the region was a matter of serious concern. He urged the parties involved to maintain their commitment to the peace process, which was the only realistic hope for a just, lasting and comprehensive peace. The recent spate of bombings should not be used as a pretext to delay the peace process or to deny the Palestinians their rights.

7. Peace could be achieved only if the principle of land for peace was respected. All the occupied Arab territories must be returned and the Palestinian people must be granted all its inalienable rights. The international community must continue its efforts to bring peace and stability to the Middle East.

8. Mr. BIN GHANEM (Yemen) said that the Israeli authorities had failed to respond to international calls for an end to the violations of human rights and the appeals for full respect for humanitarian principles. The report of the Special Rapporteur (E/CN.4/1996/18) painted an unpleasant picture of the situation in the occupied territories.

9. The reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories noted that human rights violations in the occupied Arab territories, included murders, imprisonment, destruction of property, collective punishment and blockades of towns and villages and confirmed that such violations were contrary to the provisions of the Fourth Geneva Convention of 1949 and the second Additional Protocol thereto. The shelling of towns and villages in southern Lebanon had increased in intensity.

10. All those acts were flagrant violations of the will of the international community and the principles of international law prohibiting the acquisition of territory by force. A just and comprehensive peace could thus be achieved only by complete Israeli withdrawal from the occupied Arab territories and by respect for the right of the Palestinian people to self-determination and to a State with its capital in Jerusalem. In the meantime, the Commission must bring pressure to bear on the Israeli authorities to implement international resolutions concerning the principles of international law.

11. Ms. AULA (Pax Christi International) said that the real aim of those who had perpetrated the terrible attacks on the civilian population of Israel was to impede the peace process. The repressive measures taken in response to the attacks would result only in severe socio-economic consequences for the other civilian population, which should not be made to pay for the crimes of a few marginal individuals. Collective punishment could itself be viewed as a form of terrorism.

12. Peace would be achieved only when both peoples were convinced that the life of one person was just as valuable as the life of another, regardless of national origin, and that no distinction could be made between "odious" and "respectable" terrorists. For its part, the international community must denounce terrorism for what it was and must refrain from biased judgements.

13. From its mission to Chechnya in March and June 1995, her organization had concluded that the international community's silence was inhibiting progress in finding a peaceful solution to the conflict there. The Commission must

monitor carefully the observance of human rights and humanitarian law in Chechnya and support a viable reconstruction plan. She urged the Government of the Russian Federation to withdraw all military units immediately and to guarantee access to human rights organizations seeking to promote reconstruction. She also urged the Chechen leaders to take steps to control individuals engaged in military activities with a view to preventing acts of terrorism, and to participate in efforts to reconcile the interests of the various political and ethnic groups in the territory.

14. The withdrawal of Soviet troops from Afghanistan had not put an end to the conflict there. Full respect for human rights in that country would require the establishment of a policy of national reconciliation by the Afghan Government and the cessation of all foreign intervention.

15. The right to self-determination implied respect for all other individual rights. The occupation of East Timor by Indonesian troops was creating a climate of terror for the population, which had repeatedly affirmed its willingness to engage in a process of constructive dialogue, without preconditions, under United Nations auspices.

16. Her organization endorsed the recommendation made by the Special Rapporteur on extrajudicial, summary or arbitrary executions during his mission to the Papua New Guinea island of Bougainville in October 1995 that all possible means should be employed to initiate negotiations based on a mutual desire for peace.

17. In violation of the Constitution of the former Yugoslavia, Serbia had used force in 1990 to suppress the autonomous status of Kosovo. Since that time, 2 million Albanians - the third largest population group in the former Yugoslavia - had been deprived of their rights, including that of self-determination. Kosovo was an area of potential crisis; to avoid further deterioration of the situation, the population must be granted the right to self-determination.

18. Ms. BARBER (Women's International League for Peace and Freedom) said that, in his report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/1996/27), the Special Rapporteur had made it clear that mercenary activity was carried out clandestinely and at times illegally and that third parties were often used to disguise the real origin of the activity. The presence of mercenaries in armed conflicts - particularly internal conflicts - tended to make them longer, bloodier and more serious. Moreover, grave violations of the human rights of women were frequently associated with armed conflict and mercenaries, who were neither subject to military discipline nor bound by the principles of a regular army, were a particular threat in that connection.

19. She urged Governments therefore to take steps to prevent mercenaries from contributing to and prolonging armed conflicts, to stop mercenary activities from expanding and to inform the public about the role of mercenaries, debunking the myth of the "soldier of fortune". In that connection, she

deplored the prevailing culture of war, in which violence was the preferred method of solving conflicts and particularly the role of media glorification of violence and the "adventure" of war.

20. As the Special Rapporteur noted in his report, the supply of mercenaries was kept up by the existence of unemployed professional soldiers. While military downsizing was commendable, it thus posed a potential threat in terms of mercenary activity and Governments must recognize the importance of providing employment opportunities for demobilized soldiers and of identifying individuals among them who had developed aggressive behaviour patterns or needed psychological guidance.

21. States in the process of reconstruction should act to prosecute mercenaries who had operated within their territory during a period of armed conflict and thus prevent mercenaries from migrating across borders and offering their services elsewhere.

22. The International Convention against the Recruitment, Use, Financing and Training of Mercenaries was an excellent guide to anti-mercenary legislation and she commended the nine States that had so far ratified the Convention and urged all others to do likewise.

23. Mr. MEJIA (World Organization against Torture) said that the Declaration of Principles on Interim Self-Government Arrangements had considerably raised the hopes of the people of Israel and Palestine for peace, reconciliation and the full recognition of their rights, hopes that had been bolstered by subsequent negotiations, agreements and events. In recent months, however, the assassination of the Prime Minister of Israel and the attacks committed by terrorist groups had endangered such hopes.

24. Those reprehensible crimes must be vehemently condemned and their perpetrators and instigators prosecuted and punished. It was even more important to ensure that they did not recur and, in that connection, the Sharm El-Sheikh meeting was a positive event though it had not, unfortunately, led to a serious and important commitment to strengthen the social and economic development of the Palestinian people, the democratization process and the protection of fundamental rights and freedoms.

25. However, the need to track down and punish the perpetrators of such appalling crimes and the concern to prevent their recurrence could not justify violations of human rights and of the rule of law. Collective punishments, whether of the families of criminals or of entire communities, were quite unacceptable. Administrative detention and arrests without legal grounds were not only wrong in themselves but also conducive to other violations of human rights such as inhumane treatment, torture and even summary executions. Both the Israeli Government and the Palestinian Authority were open to criticism in that regard.

26. Referring to paragraphs 89 and 90 of the report of the Special Rapporteur on torture (E/CN.4/1996/35), he said that his organization had received information concerning the deaths of four Palestinians detained by the Israeli authorities. In three of the cases, the deaths appeared to have been the

result of torture and the fourth had been due to serious health problems, aggravated by the conditions of the person's detention and inadequate and tardy medical care.

27. There was cause for special concern about the current uncertain situation of organizations and individuals committed to the defence of human rights, as they were the target of intimidation, threats, detention without apparent cause, attacks and illegal searches.

28. The Commission should firmly condemn all such acts and demand that the authorities comply with their obligations under the international standards they had accepted and with the recommendations of the special rapporteurs and the various committees and working groups.

29. Mr. GONZALEZ (International Indian Treaty Council) said that the United Nations had not invented human rights and fundamental freedoms, nor could it decide to whom those rights and freedoms belonged. Indigenous peoples had been self-determining nations long before the colonial invasions and neither time nor oppression had extinguished their right to self-determination. The idea that human rights could be eroded over time - killed by genocide, ethnicide, marginalization or neglect - undermined the very foundations of human rights and their inviolability.

30. The international recognition of the rights of indigenous peoples was a recent phenomenon, beginning in 1977 within the Commission and resulting in 1982 in the formation of the Working Group on Indigenous Populations and the publication of the study on discrimination against indigenous peoples. But with that recognition had come the refusal of Member States to acknowledge that indigenous peoples were sovereign peoples.

31. By refusing to recognize the right of indigenous peoples to self-determination, the United Nations had relegated them to the status of one of the internal affairs of States. Such an attitude condoned the continued deprivation of the right to life and to basic means of subsistence of indigenous peoples. It lent credence to the rationales for the continued theft or confiscation of indigenous lands and the loss of indigenous cultures, languages and spiritual freedom.

32. During the current International Decade of the World's Indigenous People, it was high time that the United Nations and the Commission dealt fairly with them. The Commission must recognize the right of indigenous peoples to self-determination and, in accordance with the Charter, ensure respect and recognition for the human right and fundamental freedoms of those peoples.

STATEMENT BY THE MINISTER OF STATE FOR EXTERNAL AFFAIRS OF INDIA

33. Mr. KHURSHID (India) said that his Government was concerned that the spirit of consensus and cooperation that had marked the adoption of the Vienna Declaration and Programme of Action was being steadily eroded through the politicization of the human rights agenda, the selective targeting of countries, the pursuit of partial approaches that did not address human rights issues in a balanced and comprehensive way and the use of the forum offered by the Commission for purely political ends. His Government had always believed

that impartiality, objectivity and universality must underpin all actions in the field of human rights and considered that attempts to make human rights issues a matter of North-South or bilateral confrontation ran counter to what had been agreed a few years previously. The politics of power and dominance and legally suspect theories of the right of intervention on humanitarian grounds appeared to have become popular in some countries. Such attitudes could not but be counterproductive and might undermine the credibility and effectiveness of the internationally agreed human rights agenda.

34. If the international community was really concerned about the victims of violations of human rights, then the most effective way forward was through encouragement, persuasion constructive engagement and dialogue, combined with technical assistance and cooperation to ensure that action could be undertaken at the national level such as adequate legislation, the enactment and enforcement of individual safeguards and remedies and the establishment of democratic structures that promoted human rights through increased tolerance and respect for pluralism. Democracy, tolerance and pluralism were undoubtedly the best guarantees for the full realization of human rights.

35. When alternative approaches for the encouragement of human rights were being considered, the highest priority needed to be attached to the promotion of a culture of human rights and tolerance. In that connection, emphasis on human rights education in all countries would go a long way towards curbing intolerance and discrimination. In addition, the relevant mechanisms of the Commission must conduct further studies of situations where existing legislation promoted intolerance and institutionalized it.

36. Such mechanisms must encourage efforts to promote and enhance coexistence and harmonious relations among ethnic, linguistic, religious and other groups in order to ensure that the values of pluralism, respect for diversity, freedom of choice and non-discrimination were promoted effectively. If the cause of human rights was to be advanced, such values needed to be strongly supported by all United Nations organs and bodies dealing with human rights. They must also be given a central place in the work programmes of the Centre for Human Rights.

37. In his Government's view, NGOs played an important role in the area of human rights, for they were not merely watchdogs of the rights contained in a country's Constitution but were also essential in raising awareness at the grass-roots level and in articulating the views of groups within society. They must therefore be vigilant and cautious and not permit themselves to be used by people or groups with political or other agendas. Their credibility, like that of the United Nations itself, depended on their commitment, objectivity and impartiality.

38. Terrorism was one of the most pernicious and most rapidly growing threats to the enjoyment of human rights. It was the contemporary scourge which had, unfortunately, been made more dangerous by the mystique with which the media had endowed it. The recent experience of the international community sadly confirmed that no part of the world was immune from terrorist outrages. Democracies were particularly vulnerable to terrorist violence which sought to overturn the rule of law and replace it with the rule of the jungle and the culture of the gun. In democracies, there could be no justification for

politically-motivated extremism and violence. Since the Vienna Conference, there had been a growing international consensus against the menace of terrorism and in favour of the need for collective action to combat it in all its forms and manifestations. Terrorism had been recognized by the entire international community as a gross violation of human rights which could not be justified under any circumstances whatsoever. While actions taken by States to prevent or to combat terrorism must be in keeping with national law and human rights standards, States had also an obligation to uphold democracy, the rule of law and the human rights of their citizens against the wanton acts of terrorist individuals or groups.

39. The time had come for the international community to start work on a comprehensive international convention against terrorism that would facilitate inter-State cooperation and ensure that the objectives defined in the Declaration on Measures to Eliminate International Terrorism had the legal sanction of the international community.

40. Despite the fact that the human rights of India's citizens continued to be violated by terrorism in its most brutal manifestations, the authorities had exercised enormous restraint in combating it. Where individual members of the Indian security forces were found to have committed excesses, the Government had taken immediate punitive action. The rule of law applied equally to the law-enforcement agencies and to the terrorists that violated human rights. However, his Government would not hesitate to combat and stamp out terrorism and ensure the protection of the human rights of its people under the rule of law.

41. His Government expected the Commission to take strong and concrete action with respect to the promotion and protection of women's rights throughout the world. The full and equal participation of women in political, civil, economic, social and cultural life at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex, must be ensured by the international community. Women must be guaranteed full participation as both agents and beneficiaries in the development process. Effective measures also needed to be taken to end gender-based violence and other violations of human rights such as sexual slavery, prostitution and the trafficking in women and girls.

42. It had been recognized at the World Conference on Human Rights and the Fourth World Conference on Women, that, notwithstanding global awareness of discrimination, inequality, problems of gender-based violence and lack of empowerment, not enough had yet been done to redress those problems. State action to enact appropriate legislation was important but equally important was awareness-raising in all segments of society that inequality and the denial of the human rights of women was simply not acceptable. The Centre for Human Rights needed to take concrete steps to assist women's NGOs in their activities in the countries in which they worked.

43. Given the limited resources available, the international community should concentrate its efforts on those women who continued to be deprived of the most basic rights such as health, food, shelter and freedom from violence. Pursuant to the pledges made at the Beijing Conference, India had formulated a national policy for the empowerment of women to enhance the awareness of all

women of their legal rights and to ensure, through affirmative action, their participation in the development process and in decision-making on equal terms with men. A commissioner for women's rights, to act as a public defender of women's human rights, was being established.

44. In the area of providing assistance and encouragement to States for strengthening human rights, the Centre for Human Rights should attach priority to integrated technical cooperation programmes designed to address the specific requirements of requesting countries. Within the limited resources of the regular budget and the Voluntary Fund, priority must be given to projects that developed and strengthened national institutional capacities within the framework of national programmes for promoting a culture of human rights. In view of the importance that it attached to the need to assist countries in the field of human rights, his Government had thus pledged a modest contribution of US$ 20,000 to the Voluntary Fund.

45. His Government hoped that the Commission's discussions and debates in the coming weeks would look at human rights and at the programmes of the Centre in the integrated and balanced manner that the Vienna Declaration and Programme of Action had intended. The Commission's efforts could succeed only through cooperation and through collective efforts to ensure respect for the dignity and the worth of all members of the human family. He sincerely hoped that the current session would mark a turning point and a return to the spirit of Vienna.

STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

46. Mrs. OGATA (United Nations High Commissioner for Refugees) said that, when she had addressed the Commission at its fiftieth session, in 1994, the brutal war in the former Yugoslavia, the genocide in Rwanda, the conflicts and mass displacements in Somalia, Central Asia and the Caucasus had compelled her to talk about human rights abuses as the cause of refugee movements. In 1995, with the continued targeting of civilians in the Balkans and the insecurity in camps hosting Rwandan refugees, she had focused on the need for operational mechanisms to protect vulnerable refugees and other displaced populations during ongoing crises. In 1996, important developments in those two regions led her to concentrate on the end of the displacement cycle: the repatriation of refugees and the return of internally displaced persons. In so doing, she wished to draw attention to the dynamic interrelationship between respect for human rights, safe and lasting repatriation and the overall objective of consolidating the peace.

47. In Rwanda, progress towards normalization was real, albeit fragile, as evidenced by the slow pace of voluntary repatriation of those refugees who had left the country in 1994. While 300,000 people had been repatriated over the past 18 months, that was still a modest figure compared to the 1.7 million still living in camps in neighbouring countries of asylum. The regional plan of action adopted in 1995 provided a far-reaching framework for the commitment of the State of origin, States of asylum and the international community, including UNHCR, to create conditions conducive to voluntary repatriation in safety and dignity. While that was the only realistic option for the vast majority of refugees, the efforts made by all parties had not yielded the expected results.

48. In the former Yugoslavia, as war gave way to peace, the focus of the largest UNHCR operation ever was shifting from providing relief and protection to the active search for solutions. The time had come at last to help prepare the ground so that the two million internally displaced persons and refugees could return home.

49. The search for solutions to forced displacement was an integral UNHCR activity under her protection mandate. UNHCR was thus actively engaged in work in countries of actual or potential return aimed at making effective the fundamental human right of refugees to return to their own countries. Such work included the negotiation, often within tripartite frameworks involving countries of asylum, the country of origin and her own Office, of amnesties and other guarantees on behalf of returning refugees. They also included monitoring the situation of refugees on the ground, for the dual purpose of preventing discrimination or victimization and providing objective information upon which the remaining refugees and displaced persons could base their decision to return.

50. In recent years, UNHCR had been involved in a range of new initiatives to safeguard the human rights of returnees. Priority was given to the rights to life, liberty and security of the person, but it was sometimes necessary to monitor and strengthen the observance of other rights in order to facilitate full reintegration. In Tajikistan, UNHCR had helped train judges and prosecutors in order to ensure the equality before the law of returnees, long-term residents and new settlers alike. In Angola, Mozambique and Guatemala, it was supporting educational rights by funding new and renovated schools and classrooms. In Laos and Cambodia, it was promoting economic rights through simple, small-scale, community-based projects to help war-affected groups mend the damage of conflict and to ease the financial burden of repatriation.

51. As those examples showed, UNHCR's efforts often eased tensions between specific groups and improved the human rights environment for larger communities. They were also intended to contribute to the development of national and local capacities to rebuild war-torn societies in full respect for human rights and the rule of law. The bridge between repatriation and human rights was, however, a two-way one. The ability of UNHCR to ensure the voluntary and safe return home of uprooted victims of conflict and persecution almost inevitably depended on the ability and willingness of the home State to assume the full range of its responsibilities vis-à-vis its own citizens.

52. Just as the return of refugees was not an end in itself, so human rights standards and mechanisms must not be isolated from the overarching objectives of normalization and peace but must be firmly built into each component of the complex mosaic that would sustain reconstruction and reconciliation. UNHCR's humanitarian mandate to protect and assist the displaced victims of war and persecution would be meaningless if those same people were to become the victims of peace. To achieve a humanitarian solution was not just to achieve a humane settlement: it involved restoring people to their rights, their dignity and their autonomy as responsible citizens.

53. Perhaps the single most critical human rights test in the implementation of the peace agreement for Bosnia and Herzegovina would relate to freedom of

movement. The freedom to choose one's place of residence was obviously restricted, de facto if not de jure, in the aftermath of a ruthless armed conflict of which the very objective, for some parties, had been ethnic division. The peace agreement affirmed the right of refugees and displaced persons to return to their homes, and the parties must be held to their commitment to implement that right by creating the necessary conditions for return to regions of origin.

54. Looking at the recent exodus of ethnic Serbs from Sarajevo, however, she was concerned that the remaining political blockages could prove to be at least as powerful as the road blocks and lines of battle which had separated communities during the war. Personal security was evidently of critical importance in the context of peaceful and dignified return. The amnesty adopted by the Bosnian Parliament, covering inter alia, draft evaders and deserters, was thus a very welcome step.

55. One might draw a parallel with the pressing need, in Rwanda, to reactivate the so-called screening committees to examine the various degrees of guilt and responsibility in acts linked to the genocide and to release non-guilty persons. Such measures should help to dispel the prevailing perception among refugees of a lack of security from arbitrary arrest and detention. Lack of due process for want of an effective judiciary system was an aggravating factor.

56. In the former Yugoslavia, as in Rwanda, a sense of justice needed to be generated in order to enhance the repatriation process and pave the way to national reconciliation. Individuals must be held accountable for the serious human rights violations that were defined as international crimes. The peculiar features of the 1994 exodus from Rwanda had created for UNHCR a tormenting dilemma: there were good reasons to believe that moral and material authors of the genocide were to be found among the refugees. That did not, of course, confer upon them any kind of immunity. On the contrary, for the repatriation efforts to retain credibility, the suspected perpetrators must be identified and brought to justice. States of asylum had an inescapable responsibility to comply with the relevant Security Council resolutions and to cooperate fully with the International Tribunal. Their taking resolute steps would go a long way towards breaking the bond of fear that continued to keep bona fide refugees, intimidated by their former leaders, from exploring the repatriation option.

57. The right to adequate housing had powerful implications for the post-war reconstruction of Bosnia. The peace agreement contained several provisions for the restitution of property, the award of just compensation and the temporary accommodation of refugees and displaced persons. The effective adjudication of property claims would, she hoped, start as soon as possible, and compliance with restitution awards should be closely monitored. UNHCR had gone ahead with the implementation of housing-repair projects, but the international community was woefully slow to release the funds needed for long-term rehabilitation and reconstruction. In Rwanda, similar issues had arisen as a result of the massive destruction of property during the 1994 events and the return of 700,000 refugees who had fled the country in earlier years.

58. In that non-exhaustive inventory of human rights challenges, she would like to mention lastly, with particular reference to Bosnia and Herzegovina, the right to vote and to be elected in free and fair elections. As had been seen in Namibia, Cambodia and Mozambique, the establishment of democratic political institutions was vital to peaceful coexistence and to the restoration of responsible statehood. The linkages between future elections and the refugee return programme were equally strong. Successful elections, in which refugees in asylum countries must be able to participate, would undoubtedly give a boost to refugee repatriation. Lack of success, on the other hand, might have adverse consequences for the willingness of refugees to return.

59. UNHCR did not have ready-made answers to those difficult questions, which pointed to the limits of humanitarian action in addressing and reversing the consequences of complex and large-scale conflicts. She was therefore seeking the support of the Commission for a comprehensive approach in which a sensible division of labour was strengthened by the consistent application of human rights standards.

60. In any society recovering from violent conflict, the most important human rights players were the authorities of the States whose residents had been forced to flee or had otherwise suffered in the conflict. Those States - not the international community - bore the ultimate responsibility for protecting the human rights of their populations. The establishment of the various human rights bodies foreseen under the peace agreement, for example, would be of major relevance in restoring confidence among the remaining minority populations in Bosnia. She saluted the appointment of the Ombudsperson and looked forward to cooperating with her closely. Local Governments, civic groups and indigenous NGOs were also important vehicles for reconciliation and for disseminating a culture of human rights and peace among the various segments of the population.

61. At the same time, the international community must help Governments get back on their feet and restore or develop national or local institutions. Just as regional diplomatic efforts could provide the framework for political settlement and the ensuing resolution of refugee problems, regional organizations and mechanisms could play an important operational role at the critical peace-building stage. She therefore welcomed the close collaboration established with the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe and the European Commission's monitoring mission in such crucial areas as human rights and election monitoring, the establishment of a human rights culture and advisory services to the local police forces of the Bosnian entities.

62. UNHCR supported the ongoing initiatives of the Secretaries-General of the United Nations and the Organization of African Unity for determined and concerted international action in the Great Lakes region, especially with regard to Burundi, where genuine political dialogue must ultimately replace the spiral of human rights abuses, ethnic intolerance and killings. A valuable role was being played in Rwanda by UNHCR and by the Human Rights Field Operation, between which a memorandum of understanding had been concluded to ensure maximum synergy based on complementarity of mandates and expertise. Such cooperation applied not only in the area of refugee

monitoring but also with regard to institution-building projects such as a series of workshops on arrest and detention procedures. She hoped that the operation would find the financial support and resources it so urgently needed.

63. A multiplicity of international actors was required in post-conflict situations, given the magnitude of the tasks to be accomplished, although at times it was somewhat confusing. The success of international involvement would be measured by three key factors. The first was a well-structured division of work, that must be coordinated among the organizations and institutions with the required expertise so as to avoid duplication of efforts. The second was the ability to mobilize and develop local capacities and responsibilities. Institution-building must be a clear priority, including situations in which political changes had taken place peacefully. The conference on refugees, returnees, displaced persons and related migratory movements in the CIS and relevant neighbouring States, to be held in mid-1996 under the auspices of UNHCR, OSCE and the International Organization on Migration (IOM), represented an important form of international cooperation to prevent the further dislocation of populations in a region that had already witnessed the migration of some five million people in recent years.

64. The third key to the success of the integrated international operations, and of their national and local extensions, was their firm foundation in common and consistent human rights standards. The Commission on Human Rights had helped advance repatriation efforts as well as peace-building by promoting the development of such standards. One striking example was the compilation and analysis of legal standards relating to the protection of internally displaced persons.

65. She wished to pay a tribute also to other aspects of the Commission's work. UNHCR had a strong interest in the activities of the Special Rapporteur on violence against women and greatly appreciated her assistance with the recently published guidelines on the prevention of and response to sexual violence against refugees. Sexual violence could lead to flight, threaten refugee protection and hinder return. She commended the Special Rapporteur's conclusion that refugee and asylum laws should be broadened to include gender-based claims of persecution.

66. UNHCR had actively participated in the study on the impact of armed conflict on children. She looked forward to seeing a final draft of the optional protocol to the Convention on the Rights of the Child banning the military recruitment of all children under the age of 18. The trauma experienced by child soldiers could haunt them for years and seriously hinder their maturity into responsible members of a peaceful society. UNHCR also hoped that the Commission would look into the right to a nationality.

67. The peaceful return of refugees and internally displaced persons should be an integral and essential component of post-conflict peace-building and reconstruction. For the community as a whole, it added to reconciliation and solidified peace. For the individual, it heralded a new future. The entire international community should work together to promote the conditions necessary for a peaceful return. Her Office could make limited but, she hoped, significant contributions to strengthening the observance of human

rights and, more broadly, to the fusion of peace in the many countries torn apart by civil strife. Yet there must be a team of players, both national and international, each aware of their own potential and limitations, cognizant of appropriate overlap and separation, mindful of universal standards yet respectful of the uniqueness of each country and people. The essential function of such a team was to help nations take responsibility for their own populations.

68. Human rights was the common thread tying together all those efforts. The disregard of human rights was, almost by definition, a cause and an integral part of violence, persecution and flight, just as respect for human rights was essential to the cementing of peace. The Commission's efforts were an invaluable aid to UNHCR and to those it tried to protect. She wished the Commission every success in its discussions and looked forward to continuing cooperation with it.

The meeting rose at 12.05 p.m.